

Appl. No. 09/666,430
Amdt. dated May 18, 2004
Reply to Office Communication of February 18, 2004

REMARKS

The Office Action of February 18, 2004, has been received and reviewed. Claims 1 and 40-68 are subject to a species election. Applicants respectfully traverse the species election. Reconsideration and withdrawal of the election is respectfully requested.

A listing of claims readable upon each species:

As stated in the Office Action, "Claims 1 and 40-68 are generic" (page 2 of the Office Action), which constitutes all of the currently pending claims. Therefore, the applicants elect to proceed under 37 C.F.R. § 1.141. Upon allowance of a generic claim, the Examiner must thereafter examine the species if the linking claim is generic thereto (MPEP § 809.04; and 37 C.F.R. § 1.141).

Election of a species:

Applicants elect the methods described in the Office Action as species "B." The Office states that "[c]urrently claims 1 and 40-68 are generic" (page 2 of the Office Action), therefore, claims 1 and 40-68 read upon the elected species.

As stated in MPEP § 809.02(c), further action on the case should include a complete action on the merits of all claims readable on the elected species. Since, the Office has stated that all of the pending claims are generic, claims 1 and 40-68, all of the pending claims are readable on the elected species and should be examined.

Traverse of the species election:

The Office has stated that all of the pending claims are generic. "Where only generic claims are presented, no restriction can be required except in those applications where the generic claims recite such a multiplicity of species that an unduly extensive and burdensome search is necessary" (MPEP § 809.02(d)). The Office has not stated that the generic claims impose an unduly extensive and burdensome search. Therefore, a proper species election requires that the search be unduly extensive and burdensome.

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Because the Office has stated that all of the pending claims are generic, which requires that the Office examine all of the claims, it is the applicants' position that the pending claims do not impose an undue burden. Since, the Office has not asserted that the species present a burden, the species election is not proper (*see*, MPEP § 803).

Reconsideration and withdrawal of the species election is respectfully requested.

CONCLUSION

Should questions remain after consideration of the remarks herein, the Examiner is kindly invited to contact the applicants' attorney at the number provided herein.

Respectfully submitted,



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